

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
DISTRICT OF MARYLAND

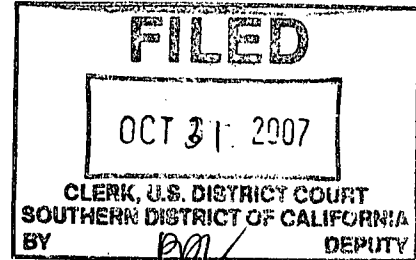
Felicia C. Cannon, Clerk

Reply to Northern Division Address

October 23, 2007

United States District Court  
Southern District of California  
880 Front Street, Room 4290  
San Diego, CA 92101-8900

Re: Sverdlov vs. Collett, et al.  
Civil Action No.: JFM-07-1714



07 CV 2106 IEG CAB

Dear Clerk:

[X] On 10/15/07, an Order was filed transferring the above-captioned case to your Court. Enclosed is a certified copy of the Order and docket entries. A log-in and password to our database has been e-mailed to Lynn Fuchigami to access this case.

[ ] On, an Order was filed accepting jurisdiction by your court in this case. Enclosed are certified copies of the Transfer of Jurisdiction (Prob 22), Indictment, Judgment and Commitment, and docket entries.

[ ] Consent of the Defendant and approval of the United States Attorney having been received, this matter is being transmitted to your Court pursuant to Fed. R. Crim. P. 20(a). Enclosed are all the original papers on file.

Kindly acknowledge receipt of the enclosed on the duplicate copy of this letter and indicate the case number assigned in your District in the area provided below.

Thank you for your cooperation and courtesy in this matter.

Sincerely,

Felicia C. Cannon, Clerk

By: \_\_\_\_\_ /s/  
Holly M. Lee Deputy Clerk

Enclosure

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

New Case No.: \_\_\_\_\_

Letter Transferring Case (Rev. 02/26/2002)

Northern Division • 4415 U.S. Courthouse • 101 W. Lombard Street • Baltimore, Maryland 21201 • 410-962-2600  
Southern Division • 200 U.S. Courthouse • 6500 Cherrywood Lane • Greenbelt, Maryland 20770 • 301-344-0660

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

VLADIMIR E. SVERDLOV

v.

GREGORY L. COLLETT, ET AL.

\*

\*

\*

\*

\*

\*\*\*\*\*

Civil No. JFM-07-1714

ORDER

Upon consideration of defendants' motion to dismiss and petitioners response to the motion (including a consent motion to transfer this action to the United States District Court for the Southern District of California), it is, this 15th day of October 2007

ORDERED

1. Defendants' motion to dismiss is denied; and
2. This action is transferred to the United States District Court for the Southern District of California.

/s/

J. Frederick Motz  
United States District Judge

I hereby attest and certify on 10/23/07  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my  
legal custody.

FELICIA C. CANNON  
CLERK, U. S. DISTRICT COURT  
DISTRICT OF MARYLAND

By

Deputy

CLOSED

**U.S. District Court  
District of Maryland (Baltimore)  
CIVIL DOCKET FOR CASE #: 1:07-cv-01714-JFM  
Internal Use Only**

Sverdlov v. Collett et al  
Assigned to: Judge J. Frederick Motz  
Cause: 8:1446 Petition for Naturalization Hearing

Date Filed: 06/28/2007  
Date Terminated: 10/23/2007  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**Vladimir E. Sverdlov**  
A 72-170-664

represented by **Caroline R Ngoubene**  
Law Office of Ronald D Richey  
966 Hungerford Dr Ste 8A  
Rockville, MD 20850  
13017386909  
Fax: 13017382339  
Email: richeyesq@lwcnet.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Gregory L. Collett**  
*District Director for Services  
(Maryland), USCIS, U.S. Citizenship  
and Immigration Services*

represented by **Larry D Adams**  
Office of the United States Attorney  
36 S Charles St Fourth Fl  
Baltimore, MD 21201  
14102094800  
Fax: 14109629947  
Email: larry.adams@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Neil R White**  
Office of the United States Attorney  
36 S Charles St Fourth Fl  
Baltimore, MD 21201  
14102094800  
Fax: 14109629947  
Email: neil.white@usdoj.gov  
**TERMINATED: 10/03/2007**  
**LEAD ATTORNEY**

10/23/07  
I hereby attest and certify on this date that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

**FELICIA C. CANNON**  
CLERK, U. S. DISTRICT COURT  
DISTRICT OF MARYLAND

By [Signature] Deputy

**ATTORNEY TO BE NOTICED****Defendant**

**Eduardo Aguirre**  
*Director of USCIS*

represented by **Larry D Adams**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Neil R White**  
(See above for address)  
**TERMINATED: 10/03/2007**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Michael Chertoff**  
*Secretary of Department of Homeland Security*

represented by **Larry D Adams**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Neil R White**  
(See above for address)  
**TERMINATED: 10/03/2007**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Alberto R. Gonzales**  
*Attorney General*

represented by **Larry D Adams**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Neil R White**  
(See above for address)  
**TERMINATED: 10/03/2007**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/28/2007	<a href="#"><u>1</u></a>	COMPLAINT (Petition for Hearing on Naturalization Application) against Gregory L. Collett, Eduardo Aguirre, Michael Chertoff, Alberto R. Gonzales (Filing fee \$ 350, Receipt #14637017993), filed by Vladimir E. Sverdlov. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet # <a href="#"><u>2</u></a> Exhibit A# <a href="#"><u>3</u></a> Exhibit B# <a href="#"><u>4</u></a> Exhibit C# <a href="#"><u>5</u></a> Exhibit D)(raf, Deputy Clerk) Modified on 7/11/2007 (raf, Deputy Clerk). (Entered: 06/29/2007)
06/28/2007	<a href="#"><u>2</u></a>	NOTICE of Entry of Appearance by Caroline R Ngoubene on behalf of Vladimir E. Sverdlov (raf, Deputy Clerk) (Entered: 06/29/2007)

06/28/2007	<a href="#"><u>3</u></a>	Local Rule 103.3 Disclosure Statement by Vladimir E. Sverdlov. (raf, Deputy Clerk) (Entered: 06/29/2007)
06/29/2007	<a href="#"><u>4</u></a>	Summons Issued 60 days as to Gregory L. Collett, Eduardo Aguirre, Michael Chertoff, U.S. Attorney General, Alberto R. Gonzales, and the U.S. Attorney (raf, Deputy Clerk) (Entered: 06/29/2007)
09/04/2007	<a href="#"><u>5</u></a>	MOTION to Dismiss for Lack of Jurisdiction <i>and Supporting Memorandum</i> by Gregory L. Collett, Eduardo Aguirre, Michael Chertoff, Alberto R. Gonzales. Responses due by 9/21/2007 (White, Neil) (Entered: 09/04/2007)
09/20/2007	<a href="#"><u>6</u></a>	Consent MOTION for Extension of Time to File Response/Reply as to <a href="#"><u>5</u></a> MOTION to Dismiss for Lack of Jurisdiction <i>and Supporting Memorandum</i> by Vladimir E. Sverdlov. Responses due by 10/9/2007 (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order # <a href="#"><u>2</u></a> Certificate of Service) (Ngoubene, Caroline) (Entered: 09/20/2007)
09/20/2007	<a href="#"><u>7</u></a>	PAPERLESS ORDER granting <a href="#"><u>6</u></a> CONSENT Motion for Extension of Time to File Response RE <a href="#"><u>5</u></a> MOTION to Dismiss. Responses due by 10/6/2007. Signed by Judge J. Frederick Motz on 9/20/07. (Motz, J.) (Entered: 09/20/2007)
10/02/2007	<a href="#"><u>8</u></a>	NOTICE of Appearance by Larry D Adams on behalf of all defendants (Adams, Larry) (Entered: 10/02/2007)
10/03/2007	<a href="#"><u>9</u></a>	(Court only) *** Attorney Neil R White terminated. (hml, Deputy Clerk) (Entered: 10/03/2007)
10/05/2007	<a href="#"><u>9</u></a>	MOTION to Transfer Case <i>in Response to Respondents' Motion to Dismiss</i> by Vladimir E. Sverdlov. Responses due by 10/22/2007 (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order # <a href="#"><u>2</u></a> Certificate of Service) (Ngoubene, Caroline) (Entered: 10/05/2007)
10/15/2007	<a href="#"><u>10</u></a>	ORDER DENYING <a href="#"><u>5</u></a> Motion of defendants to Dismiss for Lack of Jurisdiction; TRANSFERRING case to the Southern District of California. Signed by Judge J. Frederick Motz on 10/15/07. (hml, Deputy Clerk) (Entered: 10/15/2007)
10/23/2007	<a href="#"><u>11</u></a>	Correspondence from Clerk to the District of Southern California re: Transfer. (hml, Deputy Clerk) (Entered: 10/23/2007)
10/23/2007	<a href="#"><u>12</u></a>	(Court only) *** Civil Case Terminated. (hml, Deputy Clerk) (Entered: 10/23/2007)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

Vladimir E. SVERDLOV	)	
A72-170-664	)	
Petitioner	)	Civil Action No.
	)	
v.	)	
	)	
Gregory L. Collett	)	
District Director for Services	)	
(Maryland), USCIS,	)	
U.S. CITIZENSHIP	)	
AND IMMIGRATION SERVICES,	)	
Eduardo Aguirre	)	
Director of USCIS,	)	
Michael Chertoff	)	
Secretary of Department of	)	
Homeland Security,	)	
DEPARTMENT OF HOMELAND	)	
SECURITY, and	)	
Alberto R. Gonzales	)	
Attorney General,	)	
Department of Justice	)	
	)	
Respondents	)	

**PETITION FOR HEARING  
ON NATURALIZATION APPLICATION**

COMES NOW Vladimir E. SVERDLOV, Petitioner, by and through his undersigned counsel, and for cause of action respectfully prays that this Honorable Court expeditiously set a hearing on the following matter:

**THE PARTIES**

1. Petitioner Vladimir E. SVERDLOV is an adult, native and citizen of Russia. Petitioner has been an U.S. Lawful Permanent Resident (hereinafter "LPR") since May 13, 1998. For six (6) years, Petitioner resided in Maryland, before moving to California in 2006. He has worked, *inter alia*, with NIH.
2. Respondent Gregory L. Collett, District Director for Services, is an official of the United States Citizenship and Immigration Service (hereinafter referred to as "USCIS") and is generally charged with supervisory authority over all operations of the USCIS within his Maryland District with certain specific exceptions not relevant here. 8 C.F.R. §103.1(g)(2)(ii)(B). As will be shown, Respondent District Director is the official with whom Petitioner's application for naturalization is currently pending.
3. Respondent Eduardo Aguirre is the Director of USCIS and is generally charged with supervisory authority over all USCIS operations.
4. Respondent U.S. Citizenship and Immigration Services is a division within the Department of Homeland Security (hereinafter "DHS"), and it is responsible for the adjudication of immigration applications/petitions.
5. Respondent Michael Chertoff is the Secretary of the Department of Homeland Security, which has general authority over, *inter alia*, USCIS.
6. Respondent Department of Homeland Security is the government agency with, *inter alia*, overall authority for immigration matters, including the adjudication of applications for naturalization.
7. Respondent Alberto R. Gonzales is the Attorney General of the United States, Department of Justice, who has statutory authority to naturalize persons. 8 U.S.C. §1421.

JURISDICTION

8. Jurisdiction in this case is proper under INA §336(b), 8 U.S.C. §1447(b), 5 U.S.C. §701 *et seq.*, and 28 U.S.C. §2201 *et seq.* Specifically, 8 U.S.C. §1447(b) states that:

If there is a failure to make a determination under section 1446 of this title before the end of the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter. Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter.

Relief is requested pursuant to said statutes.

VENUE

9. Venue is proper in this Court, pursuant to 28 U.S.C. §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where the events giving rise to Petitioner's claim occurred. More specifically, Petitioner's application for naturalization is pending with the Baltimore, Maryland USCIS District Director.

CAUSE OF ACTION

10. On January 12, 2004, Petitioner SVERDLOV filed his application for naturalization (Form N-400) with the USCIS pursuant to INA §§310-338, 8 U.S.C. §§1421-1449. (A copy of the USCIS Receipt Notice of Petitioner's N-400 application is attached hereto and made a part hereof as Exhibit A.)
11. On June 9, 2004, Petitioner SVERDLOV appeared for his scheduled naturalization examination at the Baltimore, Maryland USCIS District Office. On that date, he was interviewed and he passed the English and U.S. history/government tests. (A copy of



his "Naturalization Interview Results," Form N-652, is attached hereto and made a part hereof as Exhibit B.)

12. However, in spite of Petitioner's several subsequent inquiries regarding the status of his naturalization application, Respondents have still not adjudicated his N-400 application, even though more than 120 days have passed since the examination on his application for naturalization. In fact, over **three (3) years** have passed since his naturalization examination. (See Exhibit B.)
13. Petitioner SVERDLOV is eligible for naturalization, as he has been a Lawful Permanent Resident of the U.S. for over five (5) years. See INA §§311, 316. (A copy of Petitioner's LPR card (Form I-551) is attached hereto and made a part hereof as Exhibit C.) He obtained his lawful permanent residence as a scientist with extraordinary abilities.
14. Petitioner has never been arrested or committed any crime.
15. All legal prerequisites having been satisfied, Petitioner's N-400 application should be approved immediately.
16. Respondents have sufficient information to determine Petitioner's eligibility pursuant to applicable requirements.
17. Respondents' refusal to act in this case is, as a matter of law, arbitrary, unreasonable and not in accordance with the law. Respondents willfully, and unreasonably, have delayed and refused to make a timely determination on Petitioner's naturalization application within 120 days after the N-400 examination, thereby depriving Petitioner SVERDLOV of the right to an adequate and fair decision on his naturalization application, the rights

and privileges of U.S. citizenship, including the right to vote, employment opportunities within the U.S. government, and the peace of mind to which he is entitled.

18. Petitioner SVERDLOV has exhausted his administrative remedies. Petitioner has complied with the applicable requirements, provided the USCIS all of the necessary and relevant information or documentation, and made numerous inquiries regarding his case, but the USCIS Baltimore District Office has failed to adjudicate his application for naturalization. (See, for example, a copy of Respondent's latest status inquiry notice is attached hereto and made a part hereof as Exhibit D.)
19. Petitioner SVERDLOV has been greatly damaged by the failure of the Respondents to act in accordance with their duties under the law, and he is likely to suffer even more grave damages if he is not naturalized immediately.
20. Moreover, the Respondents, in violation of the Administrative Procedures Act, 5 U.S.C. §701 *et seq.*, are unlawfully withholding or unreasonably delaying proper action on Petitioner's naturalization application and have failed to carry out the adjudicative functions delegated to them by law with regard to Petitioner's application.
21. Petitioner SVERDLOV has made numerous status inquiries in an attempt to secure a proper and fair adjudication of his naturalization application, all to no avail.  
Accordingly, Petitioner has been forced to retain the services of attorneys to pursue the instant action.

PRAYER

22. WHEREFORE, in view of the reasons and authority noted herein, Petitioner SVERDLOV respectfully prays that this Honorable Court:
  - (a) adjudicate and approve Petitioner's naturalization application; or

- (b) remand to USCIS Petitioner's naturalization application for adjudication within thirty (30) days;
- (c) award Petitioner and/or his attorney reasonable EAJA and/or attorney's fees; and
- (d) grant such other relief at law and/or in equity as justice may require.

Respectfully submitted,

Caroline R. Ngoubene, Esquire  
Attorney for Petitioner Vladimir E. SVERDLOV  
Bar# 28185  
Law Offices of Ronald D. Richey  
966 Hungerford Drive  
Suite 8A  
Rockville, MD 20850  
Phone: (301) 738-6909  
Fax: (301) 738-2339

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I (a) PLAINTIFFS

Vladimir Sverdlov

A072-170-664

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Caroline R. Ngoubene, Esq., Law Offices of Ronald D. Richey, 966  
Hungerford Dr., #8A, Rockville, MD, 20850; (301) 738-6909

## DEFENDANTS

Gregory L. COLLET, District Director; Eduardo Aguirre, Director;  
USIS; DHS; Alberto R. Gonzales, Attorney General; DOJ

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
8 U.S.C. 1447(b)

Brief description of cause:  
Adjudication of Naturalization Application

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$ ☐ CHECK YES only if demanded in complaint:  
EAJA/Attorney's Fees JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# **EXHIBIT A**

UNITED STATES OF AMERICA

Receipt with Exception			NOTICE DATE January 21, 2004
CASE TYPE N400 Application For Naturalization			INS # A 072.170.664
APPLICATION NUMBER ESC*001148828	RECEIVED DATE January 12, 2004	PRIORITY DATE January 12, 2004	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS  
VLADIMIR E SVERDLOV  
10022 STEDWICK RD #201  
GAITHERSBURG MD 20886

PAYMENT INFORMATION:

Single Application Fee: \$310.00  
Total Amount Received: \$310.00  
Total Balance Due: \$0.00

|||||

The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

-Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.

Our records indicate your personal information is as follows:

Date of Birth: May 25, 1963  
Address Where You Live: 10022 STEDWICK RD #201  
GAITHERSBURG MD 20886

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 180 days of this notice.

IMPORTANT NOTICE:

All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:  
US IMMIGRATION AND NATURALIZATION SERVICE  
75 LOWER WELDEN STREET  
ST ALBANS VT 05479

INS Customer Service Number:  
(800) 375-5283

APPLICANT COPY



ESC001120093

# **EXHIBIT B**

U.S. Department of Justice  
Immigration and Naturalization Service

**Naturalization Interview Results**

A#: A 072 170 664

On JUN 09 2004, you were interviewed by INS officer Peggy Liu.

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the test of U.S. history and government and the English language requirement was waived.
- ☐ The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to \_\_\_\_\_ speak / \_\_\_\_\_ read / \_\_\_\_\_ write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on the Form N-14.
- ☐ INS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your \_\_\_\_\_ English ability / \_\_\_\_\_ knowledge of U.S. history and government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.

A)        **Congratulations! Your application has been recommended for approval.** At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B)   ✓   **A decision cannot yet be made about your application.**

**It is very important that you:**

- ✓ Notify INS if you change your address.
- ✓ Come to any scheduled interview.
- ✓ Submit all requested documents.
- ✓ Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper.
- ✓ Go to any oath ceremony that you are scheduled to attend.
- ✓ Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.



# EXHIBIT C

**PERMANENT RESIDENT CARD**

NAME SVERDLOV, VLADIMIR E



INS A# 072-170-864

Birthdate Category Sex

05/25/63 E16 M

Country of Birth  
Russia

CARD EXPIRES 01/08/09

Resident Since 05/13/98



C1USA0721706648LIN9801351824<<  
6305257M0901082RUS<<<<<<<<<<<8  
SVERDLOV<<VLADIMIR<E<<<<<<<<<<<

# **EXHIBIT D**

Print

Page 1 of 2

**From:** INS ATTYINQ,  
**To:** David Whalen  
**Date:** Tuesday, February 27, 2007 12:16:32 PM  
**Subject:** RE: 2 inquires

Dear Mr. Whalen,

Your inquiry # 1 will take quite sometime. I have to search and I don't know where to begin. Is your clients name [REDACTED]? The file is in Los Angeles Asylum office. My only guess is they probably forwarded the MTR the Asylum Office in Los Angeles. I can check but again it will take quite sometime.

I need the date when you mail it or proof of receipt from CIS.

Inquiry #2,

Security checks for Vladimir Sverdlov is still pending.

Please be advised that security checks for your client are still pending. Unfortunately, we can take no further action until checks clear. As security checks are performed by other government agencies, their processing is beyond the control of Citizenship and Immigration Services. We are monitoring the status of this case on a weekly basis. We will immediately notify you and your client when security checks are completed.

Thank you for your continued patience.

Celia

-----Original Message-----

**From:** David Whalen [mailto:davidwhalen@yahoo.com]  
**Sent:** Tuesday, February 27, 2007 11:24 AM  
**To:** Ins-ATTYINQ  
**Subject:** 2 inquires

2. My client Vladimir Sverdlov, A72 170 664, filed a Naturalization application in 2004, EAC\*001148828. However, he has a Naturalization Interview Results Form N-652 dated June 9, 2004 by INS Officer Peggy Lin, stating that he passed the English and US history tests, but that a decision cannot be made on his application due to lack of fingerprint results from the FBI. This is almost 3 years ago. When will these checks be completed.

Thank you

David Whalen



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

---

Vladimir E. SVERDLOV )

A72-170-664 )

Petitioner )

Civil Action No. )

v. )

Gregory L. Collett )

District Director for Services )

(Maryland), USCIS, )

U.S. CITIZENSHIP )

AND IMMIGRATION SERVICES, )

Eduardo Aguirre )

Director of USCIS, )

Michael Chertoff )

Secretary of Department of )

Homeland Security, )

DEPARTMENT OF HOMELAND )

SECURITY, and )

Alberto R. Gonzales )

Attorney General, )

Department of Justice )

Respondents )

---

**DISCLOSURE OF CORPORATE INTEREST**

***Check all that apply:***

[ X ] I certify, as party/counsel in this case that Vladimir E. SVERDLOV is not an affiliate or parent of any corporation, and no corporation, unincorporated association, partnership or other business entity, not a party to the case, has a financial interest in the outcome of this litigation as defined in Local Rule 103.3 (D.Md.)

[ ] The following corporate affiliations exist with \_\_\_\_\_:

---

[ ] The following corporations, unincorporated associations, partnerships or other business entities which are not parties may have a financial interest in the outcome of this litigation:

---

Date:

\_\_\_\_\_  
Signature

Caroline R. Ngoubene, Esquire

Attorney for Petitioner Vladimir E. SVERDLOV

Bar# 28185

Law Offices of Ronald D. Richey

966 Hungerford Drive

Suite 8A

Rockville, MD 20850

Phone: (301) 738-6909

Fax: (301) 738-2339

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

Vladimir Sverdlov  
A072-170-664

Petitioner

SUMMONS IN A CIVIL CASE

V.  
Gregory L. Collett

District Director for Services

U.S. CITIZENSHIP

AND IMMIGRATION SERVICES, et al.

Respondents

CASE

JFM 07 CV 1714

TO: (Name and address of Defendant)

Gregory L. Collett  
District Director for Services  
U.S.C.I.S.  
31 Hopkins Plaza, 7th Floor  
Fallon Federal Building  
Baltimore, MD 21201

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address):

Caroline R. Ngoubene  
Law Offices of Ronald D. Richey  
966 Hungerford Dr., Suite 8A  
Rockville, MD 20850

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Patricia C. Cannon

CLERK OF COURT

U.S. DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

DATE

6/29/07  
DATE  
NOTICE - This case is subject to electronic filing. Information on electronic filing procedures and how to register to use the electronic filing system can be found at: [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov)



UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

Vladimir Sverdlov  
A072-476-664

Petitioner

SUMMONS IN A CIVIL CASE

V.  
Gregory L. Collett  
District Director for Services  
U.S. CITIZENSHIP  
AND IMMIGRATION SERVICES, et al.  
Respondents.

JFM 07 CV 1714

CASE

TO: (Name and address of Defendant)  
Eduardo Aguirre  
Director, U.S.C.I.S.  
Office of the General Counsel  
Department of Homeland Security  
Washington, DC 20528

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Caroline R. Ngoubene  
Law Offices of Ronald D. Richey  
966 Hungerford Dr., Suite 8A  
Rockville, MD 20850

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Felicia C. Cannon

*R. Davis*  
DEPUTY CLERK

DATE

6/29/07

NOTICE - This case is subject to electronic filing.  
Information on electronic filing procedures and how to register to use the electronic filing system can be found at: [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov)

## UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

Vladimir Sverdlov  
A072-170-664  
Petitioner

SUMMONS IN A CIVIL CASE

V.  
Gregory L. Collett  
District Director for Services  
U.S. CITIZENSHIP  
AND IMMIGRATION SERVICES, et al.  
Respondents;

CASE

JFM 07 CV 1714

TO: (Name and address of Defendant)

Mr. Michael CHERTOFF  
Secretary, D.H.S.

Washington, DC 20528

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Caroline R. Ngoubene  
Law Offices of Ronald D. Richey  
966 Hungerford Dr., Suite 8A  
Rockville, MD 20850

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOTICE - This case is subject to electronic filing.  
Information on electronic filing procedures and how to  
register to use the electronic filing system can be found  
at: [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov)

Felicia C. Cannon

Clerk

*R. Cannon*  
DEPUTY CLERK

DATE

6/29/07

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

Vladimir Sverdlov  
A072-170-664

Petitioner

SUMMONS IN A CIVIL CASE

V.

Gregory L. Collett  
District Director for Services

U.S. CITIZENSHIP

CASE

AND IMMIGRATION SERVICES, et al.  
Respondents

JFM 07 CV 1714

TO: (Name and address of Defendant)

Alberto R. Gonzales  
U.S. Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Caroline R. Ngoubene  
Law Offices of Ronald D. Richey  
966 Hungerford Dr., Suite 8A  
Rockville, MD 20850

to answer to the complaint which is herewith served upon you, within 60 days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the  
relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time  
after you are served.

Felicia C. Cannon

*[Signature]*

6/29/07

NOTICE - This case is subject to electronic filing.  
Information on electronic filing procedures and how to  
register to use the electronic filing system can be found  
at: [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov)

• AO 440 (Rev. 10/93) (MD-Rev. 02/2001) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

Vladimir Sverdlov  
A072-170-664

Petitioner

SUMMONS IN A CIVIL CASE

V.  
Gregory L. Collett  
District Director for Services  
U.S. CITIZENSHIP  
AND IMMIGRATION SERVICES, et al.  
Respondents.

CASE

JFM 07 CV 1714

TO: (Name and address of Defendant)

Rod Rosenstein  
U.S. Attorney's Office  
36 South Charles Street  
4th Floor  
Baltimore, MD 21201

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address):

Caroline R. Ngoubene  
Law Offices of Ronald D. Richey  
966 Hungerford Dr., Suite 8A  
Rockville, MD 20850

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Felicia C. Cannon

R. J. Cannon

6/29/07

NOTICE - This case is subject to electronic filing. Information on electronic filing procedures and how to register to use the electronic filing system can be found at: [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

VLADIMIR E. SVERDLOV,

Plaintiff,

v.

GREGORY L. COLLETT, Baltimore District  
Director, United States Citizenship and  
Immigration Services, *et al.*,

Defendants.

Civil Action No. JFM-07-1714

**MOTION TO DISMISS  
AND MEMORANDUM IN SUPPORT THEREOF**

Pursuant to Fed. R. Civ. P 12(b)(1) and 12(b)(3), Defendants, Gregory L. Collett, Baltimore District Director of United States Citizenship and Immigration Services ("USCIS"), Eduardo Aguirre, former Director of USCIS, Michael Chertoff, Secretary of the United States Department of Homeland Security, and Alberto R. Gonzales, Attorney General of the United States, by their undersigned counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Neil R. White, Assistant United States Attorney for said District, respectfully submit this motion to dismiss Plaintiff's "Petition for Hearing on Naturalization Application" ("Petition"), and state:

1. On or about June 28, 2007, Plaintiff instituted this immigration suit pursuant to 8 U.S.C. § 1447(b), seeking a judicial remedy for the alleged delayed processing of his application for naturalization. Petition, ¶ 8.

2. Section 1447(b) provides:

If there is a failure to make a determination under section 1446 of this title before the end of the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter.

**Such court has jurisdiction** over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter.

(Emphasis supplied). *See also* 8 C.F.R. § 310.5(a) (application for relief shall be made “to the United States District Court having jurisdiction over the district in which the applicant resides”).

3. Plaintiff does not reside in this judicial district. Petition, ¶ 1. Indeed, the face of Plaintiff’s Petition indicates that he has resided in California since 2006. *Id.*

4. Accordingly, even if jurisdiction under 8 U.S.C. § 1447(b) were otherwise proper (which Defendants do not concede because the background and security checks have not been completed),<sup>1</sup> such jurisdiction could only be exercised by a United States District Court where Plaintiff resides, which is not the District of Maryland. *See, e.g., Fatayer v. Swacina*, 2007 WL 2363891, at \*1 (S.D. Fla. Aug. 15, 2007) (citing *Dahan v. U.S. Atty. Gen.*, 2006 WL 2380388, at \*1-2 (S.D.N.Y. 2006)) (holding that § 1447(b) only permits jurisdiction in judicial district of applicant’s residence and also rejecting claim that 28 U.S.C. § 1391(e) governs action covered by § 1447(b)).

WHEREFORE, Defendants respectfully request that Plaintiff’s Petition be dismissed.<sup>2</sup>

---

<sup>1</sup>*See, e.g., Danilov v. Aguire*, 370 F. Supp. 2d 441 (E.D. Va. 2005).

<sup>2</sup>Defendants do not oppose a transfer to the judicial district of Plaintiff’s residence pursuant to 28 U.S.C. § 1631.

Respectfully submitted,

**Rod J. Rosenstein**  
**United States Attorney**

By:           / s /          

**Neil R. White**  
**Assistant United States Attorney**  
**36 South Charles Street, Fourth Floor**  
**Baltimore, Maryland 21201**  
**(410) 209-4800**  
**Counsel for Defendants**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

\_\_\_\_\_  
Vladimir E. SVERDLOV

A72-170-664

Petitioner

v.

\_\_\_\_\_  
Gregory L. Collett

District Director for Services

(Maryland), USCIS,

et al.

Respondents  
\_\_\_\_\_

Civil Action No. JFM-07-1714

**CONSENT MOTION TO EXTEND TIME TO FILE RESPONSE TO  
RESPONDENTS' MOTION TO DISMISS**

COMES NOW Vladimir E. SVERDLOV, Petitioner, by and through his undersigned counsel, with the consent of the Respondents, through their counsel(s), Rod J. Rosenstein and Neil R. White, and respectfully submits this motion to extend the time by which his response to Respondents' Motion to Dismiss shall be due, and for cause states:

1. On or about June 28, 2007, Petitioner SVERDLOV filed with this Honorable Court the above-captioned action seeking a judicial remedy for the delayed processing of his January 12, 2004 naturalization application.
2. On September 4, 2007, Respondents, by their counsel(s), Rod J. Rosenstein and Neil R. White, filed a motion to dismiss the instant action for lack of jurisdiction, in which Respondents also indicated their likely consent to a potential transfer of this action to the alleged judicial district where Petitioner resides.



3. Due to communication difficulties, undersigned counsel has not yet been able to discuss with Petitioner SVERDLOV about the implications of Respondents' motion and/or about the desirability of a potential transfer of the above-captioned action. Accordingly, undersigned counsel would respectfully request an extension of fifteen (15) days to file Petitioner's response, with the expectation that the aforementioned communication issues will be resolved within that short period of time.
4. Pursuant to Local Rule 105.9, on September 18, 2007, undersigned counsel spoke to Respondents' counsel, Neil R. White, via telephone. Mr. White courteously agreed to allow Petitioner an additional fifteen (15) days to file his response to Respondents' motion to dismiss.

WHEREFORE, with Respondents' consent, in view of the reasons and authority noted herein, Petitioner respectfully requests that he be given until October 6, 2007 to respond to Respondents' motion.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Caroline R. Ngoubene, Esquire  
Attorney for Petitioner Vladimir E. SVERDLOV  
Bar# 28185  
Law Offices of Ronald D. Richey  
966 Hungerford Drive  
Suite 8A  
Rockville, MD 20850  
Phone: (301) 738-6909  
Fax: (301) 738-2339

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**  
Baltimore, Maryland

---

Vladimir E. SVERDLOV )

A72-170-664 )

Petitioner )

**Civil Action No. JFM-07-1714**

v. )

Gregory L. Collett )

District Director for Services )

(Maryland), USCIS, )

et al. )

Respondents )

---

**ORDER**

Upon motion of the Petitioner, and for good cause shown, therefore, it is, this \_\_\_\_ day  
of \_\_\_\_\_, 2007 hereby ORDERED that:

1. The Petitioner's Consent Motion to Extend Time to File Response to  
Respondents' Motion to Dismiss BE, and HEREBY IS, GRANTED; and
2. The Clerk of the Court shall send a copy of this order to counsel for the parties.

---

J. Frederick Motz  
United States District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the "Petitioner's Consent Motion to Extend Time to File Response to Respondents' Motion to Dismiss" was filed electronically and thus served upon the United States Attorney's Office, District of Maryland, 36 South Charles Street, 4<sup>th</sup> Floor, Baltimore, MD 21201 this 20<sup>th</sup> day of September 2007.

\_\_\_\_\_/s/\_\_\_\_\_  
Caroline R. Ngoubene, Esquire

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

VLADIMIR E. SVERDLOV,

Plaintiff,

v.

GREGORY L. COLLETT, Baltimore District  
Director, United States Citizenship and  
Immigration Services, *et al.*,

Defendants.

Civil Action No. JFM-07-1714

**NOTICE TO SUBSTITUTE COUNSEL**

Please ENTER the appearance of Assistant United States Attorney Larry D. Adams as  
counsel for Defendant and STRIKE the appearance of Assistant United States Attorney Neil White.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By:           / s /            
Larry D. Adams  
Assistant United States Attorney  
36 South Charles Street, Fourth Floor  
Baltimore, Maryland 21201  
(410) 209-4800

Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

---

Vladimir E. SVERDLOV )

A72-170-664 )

Petitioner )

**Civil Action No. JFM-07-1714**

v. )

Gregory L. Collett )

District Director for Services )

(Maryland), USCIS, )

et al. )

Respondents )

---

**PETITIONER'S RESPONSE TO RESPONDENTS' MOTION TO DISMISS  
AND CONSENT MOTION TO TRANSFER TO THE UNITED STATES  
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

COMES NOW Vladimir E. SVERDLOV, Petitioner, by and through his undersigned counsel, with the consent of the Respondents, through their counsel, Rod J. Rosenstein and Larry D. Adams, and respectfully requests, in response to Respondents' motion to dismiss, that this Honorable Court transfer the above-captioned action to the U.S. District Court for the Southern District of California, and for cause states:

1. On or about June 28, 2007, Petitioner SVERDLOV filed with this Honorable Court the above-captioned action seeking a judicial remedy for the delayed processing of his January 12, 2004 naturalization application.
2. On September 4, 2007, Respondents, by their counsel, Rod J. Rosenstein and Neil R. White, filed a motion to dismiss the instant action for lack of jurisdiction, and Respondents also indicated their likely consent to a potential transfer of this action to the alleged judicial district where Petitioner resides.

3. Petitioner SVERDLOV, through undersigned counsel, hereby confirms that his current and permanent place of residence is 3033 Via Estrada, Carlsbad, CA 92009. Consequently, Petitioner acknowledges that the above-captioned matter should be adjudicated by the district court in the district where he currently and permanently resides, in accordance with 8 U.S.C. §1447(b).
4. Accordingly, Petitioner respectfully requests that this matter not be dismissed, as his naturalization application is still pending adjudication before Respondent Gregory L. Collett. Instead, Petitioner respectfully requests that this Honorable Court allow the transfer of his case to the U.S. District Court for the Southern District of California, so that he may secure a proper and fair adjudication of his naturalization application, for which adjudication has been unreasonably delayed for over three years.
5. Pursuant to Local Rule 105.9, on September 18, 2007, undersigned counsel spoke to Respondents' previous counsel, Neil R. White, via telephone. Mr. White courteously agreed to a transfer of the present action to the appropriate district court. Additionally, on October 3, 2007, undersigned counsel spoke with Respondents' current counsel, Larry D. Adams, via telephone. Mr. Adams also courteously expressed his agreement to a transfer of this action.

WHEREFORE, with Respondents' consent, in view of the reasons and authority noted herein, Petitioner respectfully requests that the above-captioned case not be dismissed, but instead, that it be transferred, pursuant to 28 U.S.C. §1631, to the United District Court for the Southern District of California.

Respectfully submitted,

/s/

Caroline R. Ngoubene, Esquire

Attorney for Petitioner Vladimir E. SVERDLOV

Bar# 28185

Law Offices of Ronald D. Richey

966 Hungerford Drive

Suite 8A

Rockville, MD 20850

Phone: (301) 738-6909

Fax: (301) 738-2339

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**  
Baltimore, Maryland

---

Vladimir E. SVERDLOV )

A72-170-664 )

Petitioner )

**Civil Action No. JFM-07-1714**

v. )

Gregory L. Collett )

District Director for Services )

(Maryland), USCIS, )

et al. )

Respondents )

---

**ORDER**

Upon motion of the Petitioner, and for good cause shown, therefore, it is, this \_\_\_\_ day  
of \_\_\_\_\_, 2007 hereby ORDERED that:

1. The Petitioner's Consent Motion to Transfer to the United States District Court  
for the Southern District of California BE, and HEREBY IS, GRANTED; and
2. The Clerk of the Court shall take all necessary steps to effectuate the transfer and  
send a copy of this order to counsel for the parties.

---

J. Frederick Motz  
United States District Judge



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the "Petitioner's Response to Respondents' Motion to Dismiss and Consent Motion to Transfer to the United States District Court for the Southern District of California" was filed electronically and thus served upon the United States Attorney's Office, District of Maryland, 36 South Charles Street, 4<sup>th</sup> Floor, Baltimore, MD 21201 this 5<sup>th</sup> day of October 2007.

\_\_\_\_\_/s/\_\_\_\_\_  
Caroline R. Ngoubene, Esquire

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
DISTRICT OF MARYLAND

Felicia C. Cannon, Clerk

October 23, 2007

Reply to Northern Division Address

United States District Court  
Southern District of California  
880 Front Street, Room 4290  
San Diego, CA 92101-8900

Re: Sverdlov vs. Collett, et al.  
Civil Action No.: JFM-07-1714

Dear Clerk:

☒ On 10/15/07, an Order was filed transferring the above-captioned case to your Court. Enclosed is a certified copy of the Order and docket entries. A log-in and password to our database has been e-mailed to Lynn Fuchigami to access this case.

[ ] On, an Order was filed accepting jurisdiction by your court in this case. Enclosed are certified copies of the Transfer of Jurisdiction (Prob 22), Indictment, Judgment and Commitment, and docket entries.

[ ] Consent of the Defendant and approval of the United States Attorney having been received, this matter is being transmitted to your Court pursuant to Fed. R. Crim. P. 20(a). Enclosed are all the original papers on file.

Kindly acknowledge receipt of the enclosed on the duplicate copy of this letter and indicate the case number assigned in your District in the area provided below.

Thank you for your cooperation and courtesy in this matter.

Sincerely,

Felicia C. Cannon, Clerk

By: \_\_\_\_\_/s/\_\_\_\_\_  
Holly M. Lee Deputy Clerk

Enclosure

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

New Case No.: \_\_\_\_\_

Letter Transferring Case (Rev. 02/26/2002)

Northern Division • 4415 U.S. Courthouse • 101 W. Lombard Street • Baltimore, Maryland 21201 • 410-962-2600  
Southern Division • 200 U.S. Courthouse • 6500 Cherrywood Lane • Greenbelt, Maryland 20770 • 301-344-0660

CLOSED

**U.S. District Court  
District of Maryland (Baltimore)  
CIVIL DOCKET FOR CASE #: 1:07-cv-01714-JFM**

Sverdlov v. Collett et al  
Assigned to: Judge J. Frederick Motz  
Cause: 8:1446 Petition for Naturalization Hearing

Date Filed: 06/28/2007  
Date Terminated: 10/23/2007  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**Vladimir E. Sverdlov**  
A 72-170-664

represented by **Caroline R Ngoubene**  
Law Office of Ronald D Richey  
966 Hungerford Dr Ste 8A  
Rockville, MD 20850  
13017386909  
Fax: 13017382339  
Email: [richeyessq@lwcnet.com](mailto:richeyessq@lwcnet.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Gregory L. Collett**  
*District Director for Services  
(Maryland), USCIS, U.S. Citizenship  
and Immigration Services*

represented by **Larry D Adams**  
Office of the United States Attorney  
36 S Charles St Fourth Fl  
Baltimore, MD 21201  
14102094800  
Fax: 14109629947  
Email: [larry.adams@usdoj.gov](mailto:larry.adams@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Neil R White**  
Office of the United States Attorney  
36 S Charles St Fourth Fl  
Baltimore, MD 21201  
14102094800  
Fax: 14109629947  
Email: [neil.white@usdoj.gov](mailto:neil.white@usdoj.gov)  
**TERMINATED: 10/03/2007**

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Eduardo Aguirre**  
*Director of USCIS*

represented by **Larry D Adams**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Neil R White**  
(See above for address)  
TERMINATED: 10/03/2007  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Michael Chertoff**  
*Secretary of Department of Homeland Security*

represented by **Larry D Adams**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Neil R White**  
(See above for address)  
TERMINATED: 10/03/2007  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Alberto R. Gonzales**  
*Attorney General*

represented by **Larry D Adams**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Neil R White**  
(See above for address)  
TERMINATED: 10/03/2007  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/28/2007	<u>1</u>	COMPLAINT (Petition for Hearing on Naturalization Application) against Gregory L. Collett, Eduardo Aguirre, Michael Chertoff, Alberto R. Gonzales (Filing fee \$ 350, Receipt #14637017993), filed by Vladimir E. Sverdlov. <b>RA-CER Service Center</b> Sheet # 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D)(raf, Deputy Clerk) Modified on 7/11/2007 (raf, Deputy Clerk). (Entered: 06/29/2007)

10/30/2007 14:57:12

<b>PACER Login:</b>	ud0077	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:07-cv-01714-JFM
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16

JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

Vladimar E. Sverdlov

## DEFENDANTS

Gregory L. Collett, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Caroline R. Ngoubene  
966 Hungerford Drive, Ste 8a  
Rockville, MD 20850

ATTORNEYS (IF KNOWN)

'07 CV 2106 IEG

**FILED**  
OCT 31 2007  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY  
CAB

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PT                         | DEF                        |   | PT                         | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

8:1446

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input checked="" type="checkbox"/> 990 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Electmant <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions			

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☒ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.e.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 10/31/07

SIGNATURE OF ATTORNEY OF RECORD

PDC